

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The Official Action sets forth several drawing objections under 37 C.F.R. § 1.83(a). These drawing objections are based on the observation that certain language recited in Claims 1 and 24 is not illustrated in the drawing figures.

In one respect, the Official Action indicates that the U-shaped package engaging member recited in Claim 24 is not illustrated in the drawing figures. However, Fig. 10 illustrates the U-shaped nature of the package engaging member 132 that engages the package.

The Official Action also refers to the language in Claim 1 reciting that the forming flaps press portions of the package during movement of the sealing halves towards the closed sealing position. Figs. 9-11 illustrate one of the forming flaps pressing one of the opposing portions of the package.

Further, the Official Action notes the Claim 1 language reciting that each forming flap is directly pushed by the associated sealing half during at least part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package. It is respectfully submitted that 37 C.F.R. § 1.83(a) does not require illustration of this claimed aspect of the package sealing apparatus. The rule talks in terms of illustrating features recited in the claims. In this regard, all of the features recited in Claim 1 are illustrated. It is respectfully submitted that this rule does not require an illustration of aspects of the claimed subject matter defining how claimed features interact with one another, such as the direct pushing of the forming flap by the associated sealing half. The features associated with this claimed aspect of the package sealing apparatus (i.e., the forming flap and the

sealing halves) are illustrated. It is respectfully submitted that the claimed pushing of the forming flat by the associated sealing half is not an illustration required under 37 C.F.R. § 1.83(a). The Examiner is thus kindly asked to reconsider this drawing objection. Withdrawal of the drawing objections is respectfully requested.

Examiner Truong is kindly thanked for the indication that Claims 11-18 would be allowable if rewritten in independent form. Claim 11 is amended to include the subject matter recited in Claims 1 and 4. It is thus respectfully submitted that Claim 11 is allowable, together with dependent Claims 12-18.

As explained in the prior response, the subject matter of this application pertains to a package sealing apparatus for sealing a package having an open end. As set forth in Claim 1, the apparatus comprises at least one pair of sealing halves which are reciprocally moveable between an open position and a closed sealing position, with one of the sealing halves comprising sealing means for sealingly closing the package open end of the package. The apparatus also comprises forming means for forming the package, wherein the forming means comprises a pair of forming flaps each associated with a sealing half and each possessing a first end pivotally attached to a support. As recited in Claim 1, each forming flap is directly pushed by the associate sealing half during at least a part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package.

For purposes of explanation only, reference is made to the disclosed embodiment of the package sealing apparatus which includes the two sealing jaw halves 190, 200, and the forming means 131 comprising a pair of forming flaps 133, 133. These forming flaps 133, 133 are pivotally mounted on a support (e.g., the package engaging portion 132, 132). As discussed beginning in line 20 of page 16

of the application, the two sealing jaw halves 190, 200 move into contact with a portion of the respective forming flaps 133, 133 to push the sealing flaps towards the package 20. The forming flaps 133, 133 and the engaging portions 142, 142 of the sealing jaws come into contact with opposing portions of the package.

The Official Action sets forth an anticipatory rejection of independent Claim 1 based on the disclosure in U.S. Patent No. 2,798,349 to *Mojonnier*. This patent discloses a carton sealing apparatus for sealing a carton having one pair of opposed panels 23, 23 and another pair of opposed end panels 24, 24. The apparatus includes a vertically movable carriage 56 to which is mounted a pair of dogs 82, 82. The apparatus is also provided with a pair or rotatably mounted tucker blades 41 that are adapted to engage respective end panels 23 of the carton 22 to fold the end panels 23 inwardly. The tucker blades 41, 41 are each connected to a respective arm 86 so that the rotation of the arms 86, 86 results in rotation of the tucker blades 41, 41. The tucker blades 41 are initially positioned in the generally upright orientation shown in Fig. 7. During downward movement of the carriage 56, the nose portions 82a of the dogs 82 each engage a respective nose portion 86a on the arms 86 connected to the tucker blades 41. Thus, as the carriage 56 moves downwardly, the dogs 82 move with the carriage 56, causing the nose portions 82a, 82a of the dogs 82 to engage the nose portions 86a of the arms 86. This causes the tucker blades 41 to rotate inwardly towards one another as illustrated in Fig. 8 to engage the one pair of opposed panels 23, 23 of the carton 22 and urge the panels 23, 23 inwardly.

The apparatus also includes folding bars 46, 47 which are best seen in Fig. 5. These folding bars 46, 47 are adapted to rotate inwardly towards one another and engage the other pair of opposed panels 24, 24 of the carton 22 during downward

movement of the carriage 56. More specifically, as the carriage 56 moves downwardly, respective rollers 91, 92 moving with the carriage 56 engage the upper edges of the folding bars 46, 47 to move the arms 46, 47 from the solid line position shown in Fig. 5 to the dotted line position depicted in Fig. 5. As the arms 48, 49 pivot inwardly under the movement of the rollers 91, 92, the folding bars 46, 47 engage the other pair of opposed panels 24, 24 of the carton 22 as generally illustrated in the series of illustrations in Figs. 14-19 of *Mojonnier*. As discussed beginning in line 18 of column 6 of *Mojonnier*, the downward movement of the carriage 56 causes the folding bars 46, 47 to move together to the position shown in Fig. 12. The roller 91, moving along a dwell 97c provided on the arm 48, moves the folding bar 46 more rapidly than the folding bar 47 so that the front panel 24 of the carton 22 is swung downwardly until the closure flap abuts the upper edge of the rear foldable panel as shown in Fig. 17. The rear sealing jaw 64 engages the closure flap 24b and depresses the flap 24b to the position shown in Fig. 18 where it is folded over onto the opposite foldable panel. At that time, a jaw operator 69 is operated to move the sealing jaw 64 which compresses and seals the open end of the carton.

From this description, it is readily apparent that *Mojonnier* does not disclose forming flaps that are directly pushed by a sealing half during at least a part of the reciprocal movement of the associated sealing half to pivotally move the forming flap toward the package as recited in Claim 1. The Official Action interprets the tucker blades 41, 41 and the folding bars 46, 47 in *Mojonnier* as corresponding to the claimed forming flaps. However, the tucker blades 41, 41 and the folding bars 46, 47 are not pushed by the sealing halves 61, 64 to pivotally move the tucker bars 41, 41 and the folding bars 46, 47 toward the carton 22. Indeed, the movement of the

tucker bars 41, 41 towards the carton 22 occurs by the engagement of the dogs 82, 82 with the arms 86, 86 connected to the tucker bars 41, and the movement of the folding bars 46, 47 towards the carton 22 occurs by virtue of the movement of the rollers 91, 92. It is thus respectfully submitted that the anticipatory rejection of independent Claim 1 based on the disclosure in *Mojonnier* is improper as *Mojonnier* does not disclose forming flaps that are pushed by an associated sealing half to pivotally move the forming flap toward the package.

Independent Claim 24 is amended to recite that the forming flaps and the sealing halves are positioned relative to one another such that during movement of the sealing halves towards the closed sealing position, each of the sealing halves contacts a portion of one of the forming flaps to move the forming flaps into contact with two opposing portions of the package to press the two opposing portions of the package towards each other for sealingly closing by the sealing means. For reasons similar to those discussed above, it is respectfully submitted that *Mojonnier* does not disclose a package sealing apparatus as recited in independent Claim 24.

Dependent Claims 2-10 and 23-25 are allowable at least by virtue of their dependence from allowable independent Claim 1. These dependent claims also recite additional features that further distinguish the claimed package sealing apparatus over the disclosure in *Mojonnier*.

For example, Claim 23 recites the pair of package engaging members that are adapted to engage opposite sides of the package, with each of the forming flaps being mounted for pivoting movement relative to a respective one of the package engaging members. The Official Action states that *Mojonnier*'s two upright posts 26 together with the cross bar 27 constitute a package engaging member. However, Claim 23 recites that the packaging engaging members engage opposite sides of the

package. The posts 26 and the cross bar 27 do not engage the carton as claimed. In addition, Claim 23 recites a pair of package engaging members, with each of the forming flaps being pivotally mounted on one of the package engaging members. Even if it could be said that the posts 26 and the cross bar 27 somehow constitute a package engaging member, the apparatus in *Mojonnier* does not include two of such package engaging members. The other dependent claims define additional distinguishing features associated with the claimed package sealing apparatus.

For at least the reasons set forth above, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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